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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Consideration of reports submitted by States parties under article 73 of the Convention pursuant to the simplified reporting procedure

Initial reports of States parties due in 2004

Uganda*

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Acronyms and abbreviations

AU	African Union
CADER	Centre for Arbitration and Dispute Resolution
CICA	Uganda Citizenship and Immigration Control Act
COMESA	Common Market for Eastern and Southern Africa
DCIC	Directorate of Citizenship and Immigration Control
EAC	East African Community
EACCMP	East African Community Common Market Protocol
ILO	International Labour Organization
IOM	International Organization for Migration
NGOs	non-governmental organisations
NMP	National Migration Policy

I. Constitutional, legislative, judicial and administrative framework

Introduction

1. On the 18th of December 2015 the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as the Convention) will mark its 25th anniversary since its adoption in 1990. The occasion is a perfect opportunity for Uganda to assess progress made since the member state ratified the Convention. Uganda is one of the 47 countries that had ratified the Convention by 2014.

A. Constitutional framework

2. The Constitution supports the implementation of the Convention. The provisions of the Constitution which guarantee equal rights between all people without any form of discrimination also apply to migrant workers who are in the country in accordance with the law. Article 21 (2) outlaws discrimination based on ethnic origin, tribe, birth, race, colour, sex, social or economic standing, creed or religion, political opinion or disability and any act or omission construed as such is punishable under the law. The Constitution further stipulates in Article 21 (1) that "all persons are equal before and under the law in all spheres and have the right, without any distinction, to enjoy equal protection of the law." The Constitution also guarantees decent work under the following articles: Articles 25 (1), which outlaws slavery and servitude; Article 25 (2) which outlaws forced labour; Article 29 (1) on the freedom of association including forming and joining a trade union; and Article 34 (4) on protection of children from economic exploitation and hazardous work.

3. According to Article 189 the government retains the responsibility of managing the affairs of immigrants and emigrants.[1] Article 40 recognizes the right of every person to practice their profession and to freely choose their employment without any discrimination, the right to equal pay for work of equal value, and the right to form or join a trade union for the protection and promotion of economic and social interests. All these rights apply to migrant workers resident in Uganda that have fulfilled the immigration requirements that permit them to be resident in the country and engage in employment. Labour unions of workers and associations of employers are free to have collective or specific agreements governing their working relations. The right of workers to strike is recognized and can be exercised under conditions defined by the law, but the exercise of this right cannot breach the liberty of employment recognized for each person.

B. Other relevant laws of Uganda

4. When Uganda ratifies an International or regional instrument Parliament has to enact appropriate laws and/or amend existing laws in order to make the instrument enforceable in her jurisdiction. The Constitution of Uganda under Article 50 empowers Parliament to make laws for the enforcement and protection of the rights that are stipulated in the Constitution. In the last 15 years Uganda has enacted a number of laws that secure the rights of workers generally including those with specific provisions relating to migrant

[1] Refer to Schedule 6 of the 1995 Constitution of Uganda.

workers and members of their families. These legislations have in effect incorporated the provisions of the Convention into domestic law. The legislation include:

(a) Uganda Citizenship and Immigration Control Act (Cap. 66), 1999[2] as amended by the Uganda Citizenship and Immigration Control (Amendment) Acts, of 2006 and 2009;

(b) Uganda Citizenship and Immigration Control Regulations, 2004;

(c) The Uganda Citizenship and Immigration Control of Aliens Regulations, 2004;

(d) Employment Act, No. 6, of 2006;

(e) The Employment Regulations, 2011 and Employment (Sexual Harassment) Regulations, 2012;

(f) The Statutory Instrument No. 62 on Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations of 2005 that regulates how Ugandan citizens can be assisted to migrate and work in another country of their choice;

(g) The Occupation, Safety and Health Act, No. 9 of 2006. The Act protects all persons who may be affected by activities carried out in a workplace. For example it protects wholesome wellbeing of workers and people in proximity to the workplace. It provides for the duties and responsibilities of parties in ensuring a safe and health working environment;

(h) The Workers' Compensation Act, No. 5 of 2000. The Act provides the procedure and the requirements of the employers and workers when accidents occur in the course of employment. It establishes Medical Arbitration Board (MAB) which is a referral body for disputed final assessment of incapacities of injured workers;

(i) The Labour Disputes (Arbitration and Settlement) Act, No. 7 of 2006. The Act establishes the Industrial Court which is presided over by a High Court Judge. The Court handles labour disputes that have not been resolved by a district labour officer or the Commissioner of Labour;

(j) The Labour Unions Act, 2006;

(k) Labour Union (Access of Union Officials to a Workplace) Regulations, 2011;

(l) Prevention of Trafficking in Persons Act, 2009;

(m) Children Act (Cap. 59);

(n) Guidelines for labour inspectors on the Identification of Hazardous Child Labour.

C. Policy context

5. For a long time Uganda's migration policy framework (even after ratifying the Convention in 1995) remained weak, fragmented and inadequate. However, with the urgent need to address some challenges like unemployment especially among the educated youth, government's policy on direct foreign investment in Uganda vis-à-vis the phenomena of quack investors and employment "tourists," the inadequately management of labour externalization programmes and the increasing threats of vices like money laundering,

[2] The Act came into force in 2002.

trafficking in persons, weapons and drugs smuggling and transnational terrorism. Uganda has commitments entered into at the regional and sub-regional levels, which made it absolutely essential to review and strengthen the policy framework, the institutional arrangements and the actual implementation processes. In 2002 the Uganda Citizens and Immigration Control Act adopted in 1999 came into force but lacked the policy framework to support the new thinking on how best to manage migration issues particularly, relating to migrant workers.

6. Uganda is a signatory to the African Union (AU) Migration Policy Framework[3] for Africa, which lays the ground for the formulation of regional economic communities' migration policies as well as national migration policies for all African countries. Considering the nature of international migration today, issues of migration cannot be discussed and managed only at the national level. Therefore, Uganda has taken into consideration the Convention and the regional policy framework to shape her commitments made with the partner states at the EAC level[4] and in the development of several national policies including the National Migration Policy (NMP), the National Diaspora Policy and the National Immigrants Policy (the latter still in draft format). The AU Policy identifies poor socio-economic conditions, low wages, and high levels of unemployment, poverty and lack of opportunity as the main economic factors that fuel out-migration on the African continent. These factors are usually brought about by a mismatch between the rapid population growth and the available resources, low level of requisite technology and capacity to create employment and jobs at the origin. The International Labour Organization (ILO) estimates that the number of labour migrants in Africa today constitutes one fifth of the global total and that by 2025, one in ten Africans will live and work outside their countries of origin[5]

7. The NMP acknowledges that if migration is well managed it can contribute to the socio-economic development of the country. Therefore, the government of Uganda attempts in her policy statements to provide clear direction on how to manage the multi-faceted nature of migration, which has several cross-cutting issues that impact on various key sectors of development, and on the stability and security of the country. The issues include labour migration, irregular migration, trafficking in persons, forced displacements, the Ugandan Diaspora, foreign direct investment and the free movement of persons within EAC.

8. The majority of migration flows as already noted above is regional and the NMP acknowledges the strategic importance of dealing with migration at this level. It is therefore, imperative to note that the regional economic communities such as EAC, AU, Intergovernmental Agency for Development, the Common Market for Eastern and Southern Africa (COMESA) and New Economic Partnership Agreement for Development to which Uganda is a keen member, oblige the country to implement significant migration agendas. It is within this context that in 2010 the Ministry of Internal Affairs took the lead to set up an inter-ministerial committee to spearhead consultations and the development of the NMP with the involvement of a wide range of stakeholders (state and non-state actors). The development and adoption of the Policy is a clear reflection of government's commitment

[3] The AU Migration Policy framework provides a comprehensive and integrated policy guideline on the following thematic issues with sub-themes: (a) labor migration; (b) border management; (c) irregular migration; (d) forced displacement; (e) human rights of migrants; (f) internal migration; (g) migration data; (h) migration and development; and (i) inter-State cooperation and partnerships. It also highlights other social ramifications of migration including migration and health, environment, gender, conflict, among others.

[4] For example the EAC Protocol on the Free movement of Persons and Labour of 2010.

[5] AU Migration Policy Framework (2002), p. 5.

towards harnessing the challenges of migration into opportunities for national transformation.

9. With the new breed of Ugandans in the Diaspora who are involved in temporary and informal work in several countries in the Middle East, there was no clear policy to regulate the management of their benefits for example, concerning their social security benefit portability and re-integration into Uganda's societies after they return. Moreover, some Ugandans through employment agencies and other voluntary and involuntary emigration factors have not acquired profitable employment opportunities in host countries. They have thus suffered economic exploitation including sexual slavery especially in countries where Ugandan institutions are unable to prevent prevalence of such ills. The National Diaspora Policy was thus developed to address these gaps. This Policy addresses among others, the externalization of labour. Government of Uganda in line with the National Employment Policy continues to actively promote externalisation of labour for the benefit of Ugandan citizens. It is pursuing the possibility of concluding bilateral labour agreements/ memorandums of understanding with receiving countries for increased protection of the rights of Ugandan migrant workers as well as investors abroad.

10. So far Uganda is working on completing memorandums of understanding with Kuwait, Qatar and UAE. In the Diaspora Policy government commits to protect the property of returning Ugandans including those incarcerated or repatriated. However, it is a major concern that the process of drafting and signing the memorandums takes long and thus in the meantime, leaving gaps in the protection regime, which exposes Ugandans especially those in irregular situations to exploitation. Lastly, Uganda is in the process of drafting the National Immigration Policy (still in draft awaiting the necessary approvals). The purpose is to provide regulation on the movement of goods and people (labour) in the country.[6]

D. Judicial arrangements

11. Courts of law including the Industrial Court of Uganda, and the Uganda Human Rights Commission Tribunal and the Tribunal of the Equal Opportunities Commission are the main judicial arrangements through which matters of migrant workers can be handled in Uganda. The Labour Disputes (Arbitration and Settlement) Act No. 8 of 2006 provides for expeditious settlement of labour disputes. It establishes the Industrial Court where disputed cases not resolved by the Directorate of Labour are referred for further action. If a complaint is lodged with the Directorate of Citizenship and Immigration Control (DCIC), against an alien in the course of his or her employment, the Director may forward the complaint to the Industrial Court which shall submit its findings to him or her, and the Director may then take any necessary immigration action considered relevant in the circumstances (Section 78 of the Uganda Citizenship and Immigration Control Act (CICA)).

12. The Uganda Human Rights Commission is one of the competent institutions mandated to receive and determine complaints of violations of rights of migrant workers and members of their families. The Commission attends to all complaints without discrimination and regardless of whether the person is a regular or an irregular immigrant. All complaints are handled as violations pertaining to labour rights and are directly handled by the Directorate of Complaints, Investigations and legal services of the Human Rights Commission.

[6] International Organization for Migration- Migration Policy and Research' http://uganda.iom.int/ programme/migration-policy-and-research/ accessed 15 March 2015.

13. In 2013/14, the Commission received five complaints from migrant workers from the Asia-Pacific region working in Uganda, specifically nationals of India and Pakistan employed in commercial businesses operated by fellow Asians. These complaints related to non-payment of their salaries by the employers who also have a habit of confiscating passports of their employees. In such cases, the Commission has intervened through mediation with the perpetrators who have taken steps to pay the complainants. The Commission has also assisted them to recover their travel documents. So far, no cases have been taken to the tribunal for adjudication. Information on the available remedies is often provided to migrant workers once they seek assistance. Currently there are no advocacy programmes specifically targeting migrant workers. It is important to note that all the mechanisms mentioned above can make reference to an international or regional human rights instrument that Uganda is a party to in the process of adjudicating any matter that is brought before court or such tribunal and the decisions are binding subject to fulfillment of the right of appeal.[7]

E. Administrative arrangements

14. The Constitution of the Republic of Uganda establishes the National Citizenship and Immigrant Board (Art. 16), which is established under the Ministry of Internal Affairs. Section 7 of the CICA provides for the functions of the Board, which include among others, granting and cancelling of immigration permits; registering and issuing identity cards to aliens; and determining any questions which may arise in the implementation of the Act or any questions which may be referred to it by the Minister of Internal Affairs. The Board oversees the work of the Director of Immigration[8] and all immigration officers who are responsible for implementing the Act and decisions of the Board.

15. The Ministry of Internal Affairs; specifically under DCIC[9] is responsible for implementing Uganda's obligations under the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. A migrant worker and members of his/her family may enter Uganda as provided for under Section 53 of the CICA after obtaining a valid entry permit, a certificate of permanent residence or a pass[10] and such a person must be in possession of a passport, certificate of identity, convention travel document or any other valid travel document. Section 53 (4) specifically provides that a person intending to take on employment under permit Class G[11] may only enter Uganda after the application for an entry permit has been granted. The different classes of persons who can apply for entry permits to Uganda to engage in remunerated work are indicated in Annex II to this Report which outlines the requirements for the issuance of the permits for different migrant workers. All persons who are not citizens but have received a permit or pass which is not for a short stay (less than 90 days), shall apply to the Uganda Citizenship and Immigration Board for an Aliens Card as provided for under Section 57 of the CICA.

[7] Uganda follows the Common law system where the decisions of the High Court and higher courts (Court of Appeal and Supreme Court) respectively are binding on all subordinate courts.

[8] When the DCIC was elevated to a Directorate the head is now referred to as Director in accorded with the 2006 Amendment Act.

[9] The Uganda Citizenship and Immigration Control (Amendment) Act, 2006 elevated the Directorate of Citizenship and Immigration Control to directorate levels so as to strengthen it for purposes of providing quality services to migrants and their families.

[10] The categories of passes include: (a) dependant's pass; (b) pupil's or student's pass; (c) visitor's pass; (d) in transit pass; (e) inter-state pass; (f) prohibited immigrant's pass; (g) special pass; and (h) re-entry pass.

[11] Class G includes persons who want to enter Uganda as NGO workers, missionaries, volunteers, or as employees for gain or not.

16. Section 59 (1) of the CICA provides that a person who is not a citizen of Uganda shall not, unless that person is in possession of a valid entry permit,[12] certificate of permanent residence or special pass issued under this Act:

(a) Be employed in a parastatal or private body;

(b) Be employed in the public service;

(c) Be employed by a private person; or

(d) Be engaged in private business in Uganda.

17. A person who is not a citizen of Uganda, who engages in any employment or profession, whether or not for gain, contrary to sub-section (1) above or who employs any alien, whether or not for gain, whom he or she knows or has reasonable cause to believe is contravening subsection (1), commits an offence and is liable on conviction to a fine not exceeding one hundred and fifty currency points or imprisonment not exceeding two years or both. Under the Uganda Citizenship and Immigration Control Regulations, 2004 a migrant worker in Uganda may apply for a dependant's pass to regularize the stay of a family member in the country (Regulation 4). If a person wishes to enter the country for purposes of investigating possibilities of business or settlement he/she may apply for a visitor's pass. However, a holder of a visitor shall not take any employment for gain or otherwise.[13] A person may also be issued with a special pass to enable him/her complete immigration procedures to complete a short assignment of not more than 3 months.

18. The Ministry of Gender, Labour and Social Development is responsible for the management of labour and industrial relations in Uganda. The Employment Act No. 6, 2006 and the Regulations of 2004 and 2012 regulate employment in Uganda while the Statutory Instrument No. 62 (Employment of Uganda Migrant Workers Abroad Regulation) 2005 regulates external labour employment. The latter Regulations are implemented by the Externalisation of Labour Unit in the Department of Employment Services in the Ministry. The Employment Act in particular, makes it a duty of all parties involved in employment matters to seek to promote equality of opportunity with the view of eliminating any discrimination in employment.[14] Furthermore, Section 6 (2) requires all parties to promote and guarantee equality of opportunity for employment for persons who, as migrant workers or as members of their families, are lawfully within the territory of Uganda.

19. The Ministry of Gender, Labour and Social Development has powers by regulation to limit the range of jobs open to migrant workers and this has been done by indicating in Schedule 4 of the CICA the range of jobs migrant workers can take on. An employer under the Uganda Citizens and Immigration Control Regulations is required to furnish a return of all non-citizens employed by him or her, to the Commissioner, every six months (Regulation 19).[15] Any employer who has more than 21 employees has to have a policy in place against sexual harassment. The National Security Fund Act (Cap. 222) defines an eligible employee to benefit from the pension scheme as any person who has a contract of employment and is working in an establishment with five or more persons.[16]

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[12] Classes of entry permits are provided for under the Fourth Schedule of the CICA.

[13] Regulation 6 (1) (c) of the Uganda Citizenship and Immigration Control Regulations, SI–16, of 2004.

[14] Section 6 (3) of the Employment Act defines discrimination in employment.

[15] In the return, the employer is required to state the name, nationality, immigration status, place of work and any other particulars as the Commissioner may require.

[16] Uganda is in the process of liberalizing the pension sector to give employees an opportunity to choose their service provider and who among the accredited bodies can invest their savings on their behalf.

20. The Ministry of Gender, Labour and Social Development, the Ministry of Internal Affairs (DCIC) and the National Citizenship and Immigration Board are the main government ministries, departments and agencies handling migration issues in Uganda and are supported by intergovernmental (for example the International Organization for Migration (IOM)) and non-governmental organisations (for example Platform for Labour Action) in enforcing migration and labour rights.[17] The Government through the cooperation at different levels with the stakeholders conducts research and prepares periodical reports on labour and migration issues to contribute to the development of a coherent labour and migration management system.[18]

21. In addition to the hierarchical judicial structure provided for in the Constitution, an Industrial Court has also been established in Uganda to arbitrate on labour disputes.[19] The Industrial Court, which is the apex of the industrial relations machinery, has been elevated to the level of High Court with original and appellate jurisdiction. In 2013 two judges were appointed to preside over this court. The purpose of the Industrial court is to promote equity, effective and expeditious settlement of labour disputes, industrial harmony, improved working conditions resulting in higher productivity as well as sustained improvement in the creation of employment opportunities as the profits are re-invested and fully utilised. There is also an active Centre for Arbitration and Dispute Resolution (CADER) which was first established in the Commercial Court Division of the High Court in 2000 to promote alternative dispute resolution in commercial/contractual matters. Between 2003 and 2005 the Commercial Court Division implemented the mediation Pilot Project whereby cases were referred to CADER for mediation. Mediation became a permanent feature at the Commercial Court with the passing of the Judicature (Mediation) Rules 2013.[20] This year, alternative dispute resolution has been officially rolled out to all the divisions of the High Court including the Industrial Court. More mediators are being trained to facilitate, mediation sessions as a strategy to deal with the back log in the judiciary, the Industrial Court inclusive.

II. Qualitative and quantitative information

22. There is lack of comprehensive knowledge and information on migration trends in Uganda.[21] This has inevitably affected the qualitative and quantitative information available on migration and more specifically on migrant workers. Limited availability of administrative data, and lack of a household survey solely on migration, and indices on migration in other surveys have further hampered the understanding of migration patterns in Uganda.[22] Nevertheless, there have been some efforts to collect and compile information

[17] International Organization for Migration-Labour Migration and Human Development' http://uganda.iom.int/programme/labour-migration-and-human-development/accessed 15 March 2015 and "Platform for Labour Action" http://www.pla-uganda.org/about-pla accessed 15 March 2015.

[18] "International Organization for Migration-Labour Migration and Human Development" http://uganda.iom.int/programme/labour-migration-and-human-development/accessed 15 March 2015. Other Reports produced include the Annual Reports of Inspection Services and those of the Coordination Office for the Prevention of Trafficking in Persons of the Ministry of Internal Affairs.

[19] Labour Disputes (Arbitration and Settlement) Act, No. 7 of 2006.

[20] On the 18th of March 2015 the roll out of alternative dispute resolution from the Commercial Court of the High Court to other courts and dispute resolution bodies within the Justice Law and Sector started with an official launch. Alternative dispute resolution is now rolled out to the other High Court Divisions of Civil, Family, and Land and to the Magistrate Courts.

[21] International Organization for Migration (2013); Migration in Uganda- A Rapid Country Profile pg. 11.

[22] Ibid. 19.

on migration notably by intergovernmental organisations working in the country in close collaboration with the government of Uganda specifically the Office of the Prime Minister of Uganda. The most recent is the Uganda Migration Profile compiled by the Office of the Prime Minister in collaboration with IOM.

23. Migration to Uganda has allowed patterns to develop "within diverse social, political and economic contexts driven by political factors, poverty, rapid population growth and the porosity of international borders. The rate of migration from the time of signing of the Convention can be reflected as follows in table 1 below.

Table 1
Net Migration

1994–1998	*1999–2003*	*2004–2008*	*2009–2013*
-45.737	-5000	-135,000	-150,000

Source: United Nations Population Division, World Population Prospects.

24. In 1999, Uganda, Tanzania and Kenya established the East African Community through (later joined by Rwanda and Burundi), which over time have adopted a number of enabling protocols that have allowed the development of a common market and free movement of goods, persons and labour by removal of both tariff and non-tariff barriers.[23] This cooperation has seen an increase in migration between the five member states and a rapid increase in migrant workers is anticipated since Uganda, Rwanda and Kenya agreed to the removal of the issuance of work permits for migrant workers. The increase may also be on account of opportunities within the newly founded oil and gas sector to fill gaps in human resources that may not be readily available in the country concerned.[24] The majority of migrants are from Kenya and Rwanda according to the Uganda Migrants Profile, 2013.

25. There is also a significant number of non-nationals living and working in Uganda. The 2014 Census Report: Provisional Results did not provide more up to date numbers. However, with the increase in the number of investors coming to Uganda this number must have increased significantly in the last 15 years in which Uganda has witnessed consistent economic growth and tremendous efforts have been made to make Uganda a profitable destination for investors. Table 2 below provides figures up till 2002.

Table 2
Foreign Population (non-nationals), 1991 and 2002

1991		*2002*	
Total	**596,932**		**554,39?**
Rwanda	247,568	Sudan	163,865
Burundi	82,632	Rwanda	106,206
Tanzania	80,922	Burundi	87,313
Democratic Republic of Congo	67,259	Democratic Republic of Congo	73,293
Sudan	66,283	Tanzania	61,595
Kenya	32,383	Kenya	35,212

[23] Ibid. 16.
[24] Ibid. 18.

1991		*2002*	
United Kingdom	906	United Kingdom	2,086
United States	408	United States	1,167
Canada	215	Canada	384
Denmark	107	Australia	194
Other	18,249	Other	23,081

Source: United Nations Statistics Division Demographics.

Table 3
Foreign Population by sex, 1991 and 2002

	1991	*2002*
Total	**596,932**	**554,396**
Men	315,255	279,451
Women	281,677	274,945

Source: United Nations Statistics Division Demographics.

26. The tables above indicate that there was a decline in migration for the years between 1991 and 2002 although this figure has definitely increased over the last 12 years due to the EAC Common Market Protocol now in place which permits free movement of goods, persons and labour across the Community and an active oil and gas sector. Migrants to Uganda are mostly of African origin and are mostly male.

27. The number of migrant workers, as based on the number of applications for work permits has increased in recent years. In 2011/12, 7,975 work permits were issued while in 2012/13 this number grew to 9,161, an increase of 13%.[25]

Table 4
Work permits issued as disaggregated by country of origin

Country of origin	*Percentage of work permits issued*
India	38.6%
China	14.9%
United States	6.1%
Kenya	5.5%

Source: Migration in Uganda – A Rapid Country Profile, 2013.

[25] Ibid. 31–32.

Table 5
Percentage of work permits issued as per work category

Work category	*Percentage of work permits issued*
Temporary contract based workers	63%
Foreign governments and diplomats	14%
Non-governmental organization workers, volunteers and missionaries	11.4%
Business and trade owners	10%

Source: Migration in Uganda – A Rapid Country Profile, 2013.

28. The number of irregular migrants has also risen over the years as has the number of deported persons. The number of irregular migrants found in 2010 was about 575 while in 2012 this number was 840 persons.[26] Similarly, the number of deportations of irregular migrants was 101 persons in 2010 and 328 persons in 2012.[27]

III. Practical implementation of the Convention

29. One of the ways in which Uganda is practically implementing the Convention has been through the ratification of several Conventions of the International Labour Organisation, which in effect contribute to the rights and welfare standards for migrant workers. Table 6 provides information on the ILO Conventions that Uganda has ratified.

Table 6
International Labour Organization Conventions

Conventions		*Ratified*
Uganda a Member since 1963		
C12	Workmen's Compensation (Agriculture) Convention, 1921	04.06.1963
C17	Workmen's Compensation (Accidents) Convention, 1925	04.06.1963
C19	Equality of Treatment (Accident Compensation) Convention, 1925	04.06.1963
C29	Forced Labour Convention, 1930	04.06.1963
C45	Underground Work (Women) Convention, 1935	04.06.1963
C81	Labour Inspection Convention, 1947	04.06.1963
C87	Freedom of Association and Protection of the Right to Organize Convention, 1948	02.06.2005
C95	Protection of Wages Convention, 1949	04.06.1963
C98	Right to Organize and Collective Bargaining Convention, 1949	04.06.1963
C100	Equal Remuneration Convention, 1951	02.06.2005

[26] Ibid. 44.
[27] Ibid.

Conventions		*Ratified*
C105	Abolition of Forced Labour Convention, 1957	04.06.1963
C111	Discrimination (Employment and Occupation) Convention, 1958	02.06.2005
C123	Minimum Age (Underground Work) Convention, 1965	23.06.1967
C124	Medical Examination of Young Persons (Underground Work) Convention, 1965	23.06.1967
C138	Minimum Age Convention, 1973	25.03.2003
C143	Migrant Workers (Supplementary Provisions) Convention, 1975	31.03.1978
C154	Collective Bargaining Convention, 1981	27.03.1990
C158	Termination of Employment Convention, 1982	18.07.1990
C162	Asbestos Convention, 1986	27.03.1990
C182	Worst Forms of Child Labour Convention, 1999	07.05.2001

30. Uganda is yet to ratify the International Labour Organization Convention No. 189 (2011) concerning Decent Work for Domestic Workers.[28] There have been appeals by civil society for the country to do so.[29] It is common for migrant workers (particularly, those in irregular situations, unskilled or low skilled) to seek for work as domestic workers in Uganda and other destination countries, for example, in the Middle East.

31. The Government of Uganda aims at effectively managing temporary and permanent foreign migrant labour in order to attract knowledge and skills for the benefit of the socio-economic development of the country. Uganda adopted the Employment Policy in 2011 with the aim of ensuring that employment creation is an indicator of economic growth. It also aims to ensure that the labour standards established are promoted and upheld at all levels by different actors including the government as an employer (public sector), the transnational corporations, investors and other business enterprises that operate in the private sector. The Policy is also facilitating the implementation of the Employment Act, 2006 which protects the rights of migrant workers who are legally resident in Uganda. Government is using corporate responsibility to secure respect of the rights of workers and communities where corporations are carrying on their businesses so that they contribute to the welfare of indigenous communities and development of the areas through provision of support to schools construction, improvement of water points or the roads network. They also encourage the buying of local produce and products in order to boost the economy of the local communities. By strengthening the legal and policy regime on migration, decentralizing citizenship and immigration service provision and strengthening the dispute resolution mechanisms (judicial and non-judicial mechanisms), the Government of Uganda is increasing access to effective remedies for workers including migrant workers and thus practically implementing the Convention. Irregular migrant workers are in contravention of the laws of Uganda and once found they are normally assisted to return to their country of origin in accordance with the provisions of the law.

[28] Call to the Government of Uganda to realize decent work for Domestic workers' 03-06-2014 http://www.sunrise.ug/business/business-news/sponsored/949-call-to-the-government-of-uganda-to-realise-decent-work-for-domestic-workers accessed 15 March 2015.

[29] Ibid.

32. Employers are forbidden by law to obstruct the right of association, but in practice impediments to freedom of association persist. There is evidence of employers and companies blocking organizing, failing to recognize unions or victimizing workers who are active in the leadership of trade unions. The government is aware that sometimes employers do not fully respect this right and thus continue to engage with employers so that workers have the space and information to fully exercise their economic rights freely. It is also true that some employees who are victimized through loss of employment have limited access to effective remedies or they lack the capacity to pursue their claim. Unskilled and low skilled migrant workers may be at a more disadvantage as many cannot afford to lose their employment once secured even where the terms may not be favourable. To minimize violations of labour rights, the Government of Uganda has strengthened monitoring and the labour inspection.[30] However, with the expansion of the economy and the reality that the bigger majority of employers of migrant workers that engaged within the informal sector, the capacity and resources of the labour inspectors is far below what is required to carry out the necessary checks, support training requirements and information provision.

33. As oil production begins in the Albertine Rift in Western Uganda more migrant workers are flocking to the region (internal and external). Concerns have been raised about the environmental, social and economic impact of the activities of the oil and gas sector, particularly on labour rights.

34. To address these concerns the Government of Uganda through the migration policies and regulations is endeavouring to balance the need to promote foreign direct investment (FDIs) with the commitments to protect the human rights of all citizens, and therefore, human rights have become an integral part of government's discussions and engagement with investors.

35. The Government of Uganda through the NMP manages border points to facilitate free movement of persons, labour and goods which are beneficial to the country's economy while at the same time preventing irregular arrivals of persons and goods. This is done through strengthening the capacities of border points to manage the processing of good and persons entering or leaving the country in an efficient and effective manner. Some of the threats encountered include forgeries of travel documents, work permits and theft of identity cards and travel documents, management of information to connect migration to skilled labour requirements in different sectors and the development targets. With the improvements made in the period 2010 – 2015, it is expected that migration issues will be well integrated in the National Development Plan II (2015/2016–2019/2020) for strategic implementation to directly contribute to the achievement of Uganda's development goals for the period and in Vision 2040.

IV. Measures taken to disseminate and promote the Convention

36. Accurate and timely labour market information on jobs, job seekers, labour mobility, employment levels, real wages, and hours worked as well as the desired skills among others, in the public and private sectors, especially the small-scale unregistered private sector, is essential to the implementation of the Employment Policy. Labour market information enables the monitoring of the employment situation, trends and the design of appropriate policies. The strategies that have been adopted to promote the Convention include:

[30] The Directorate of Labour in the Ministry of Gender, Labour and Social Development regulates and ensures decent working environment, compliance and enforcement of the national and international labour standards.

(a) Strengthening the ministry responsible for labour to play its role as the national and regional depository for labour and employment management information. IOM and ILO are supporting the Ministry of Gender, Labour and Social Development to improve its information management system so that all critical information on migration issues is easily accessible on line and in print for ease of dissemination to different users, and through use of mass media outlets to provide general information and pointers to information centers where additional information can be obtained;

(b) Providing guidelines on data collection, processing, and dissemination of information to all government ministries, departments and agencies that are mandated to collect data on employment issues, interventions and the results as well as the impact and strengthening the mechanisms for collection, sharing of data, regular reporting and dissemination of synthesized and analysed information on employment trends, labour gaps and requirements, and migration statistics among others;

(c) Establishing and supporting institutions in the public and private sectors, including social partners, in the production of information on the labour markets;

(d) Studying the impact of multinational enterprises on employment generally and for migrant workers in particular in different industrial sectors;

(e) Developing guidelines on operation of multinational enterprises with regard to social dialogue, employment and their impact on the labour market;

(f) Documenting, disseminating and promoting best practices on corporate social responsibility and rights and obligations of employers and employees;

(g) Improving the collection, analysis, storage and dissemination of reliable information relating to migration and its effects on employment in Uganda;

(h) Carrying out new surveys and research in collaboration with the Uganda Bureau of Statistics. The new surveys would focus on low-paid and vulnerable workers especially domestic servants and casual/seasonal workers in the agricultural and other sectors dominated by workers in elementary occupations. An effort will be made to develop early warning indicators that would capture sharp falls in real wages and the employment dynamics of the economy and accordingly re-orient efforts towards the generation of the required growth.

37. The Law Development Centre has been instrumental in packing laws and facilitating the dissemination. The Uganda Human Rights Commission working closely with other justice, law and order sector institutions has been instrumental in disseminating information on human rights including the rights of migrant workers and their family members. The Directorate of Citizenship and Immigration Control and the Anti- Trafficking task Force have been engaged in series of activities to enhance awareness on the existence, dangers and how to avoid becoming a victim or facilitate easy rescue when one becomes a victim of trafficking. In addition they provide information on the regularize procedure for emigration and the registered recruitment companies that can assist in this process. This has been done through the media, publicizing preventive messages on banners and billboards, posters and distribution of information brochures and direct engagement with groups of potential victims, local leaders and caretakers of children. This has resulted in reducing the number of reported cases of trafficking[31] and increase in the number of Ugandan emigrants using official channels to leave the country for work.

[31] Reports of the Coordination Office to Prevent Trafficking in Persons, 2013 and 2014.

V. Information in relation to each article of the Convention

Article 7: non-discrimination with respect to rights

38. The Constitution of the Republic of Uganda, 1995 has the force of a supreme law. In this regard, its provisions apply equally to all persons. Article 21 provides for equality and freedom from discrimination on various grounds including birth, race and ethnic origin. Additionally, an Equal Opportunities Commission has been e tablished to ensure that equal opportunities and participation of marginalized groups is fostered. This relates equally to migrant workers and members of their families as they are within Uganda's jurisdiction. The Employment Act, No. 6 of 2006 further prohibits discrimination and is thus claimable by migrant workers provided they are lawfully present and employed in Uganda.[32]

VI. Human rights of all migrant workers and members of their families

Article 8: right to leave any country including one's own country and to return

39. The Constitution provides in Article 29 for the freedom of movement within and outside the country. This is guaranteed once a national or a non-national fulfills the immigration requirements. Every person has a right to live and work in any part of the country. Nationals and resident non-nationals are free to go and work in any other country and return any time though they must be engaged in legal work or business. A migrant worker can come to Uganda and once they have fulfilled the immigration requirements and received a residence permit (temporary or permanent) she or he can live and work in Uganda. Once a person has a travel document she or he can freely move in and out of the country.

40. In 2014 the government of Uganda for the first time registered all its citizens aged 16 years and above for purposes of issuing National Identity Cards in accordance with the CICA. Once all citizens are registered Ugandans will be in position to use the national identity card to go in and out of any of the member states within the territory of the East African Community. On the other hand the processing of temporary travel documents and passports has been simplified to facilitate access and travel for various purposes within the East African region and other countries (where a passport is required). At the airports within the EAC member states that handle international arrivals and exits, provision is made for East Africans to quicken the immigration processes.

41. A person coming to Uganda requires a visa which can be issued at the airport for some countries with bilateral agreement with Uganda or by a Uganda foreign mission serving a particular country or several countries.[33] If a foreign migrant is coming to Uganda to work, then she/he needs to process a temporary resident permit and a work permit and the employer is supposed to assist them and initiate this process before the person comes into the country.

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[32] Employment Act, No. 5, 2006, Uganda, s 6.

[33] Refer to Annex II for the list of countries with bilateral agreements with Uganda and those that one requires a visa before admittance in the country.

42. The Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005 expounds on the right of freedom to leave and enter Uganda. These Regulations as developed under Employment Act, 2006 in effect operationalize the Article in the Constitution on freedom of movement. Presently Uganda is negotiating with several countries like UAE, Kuwait and Qatar to sign memorandums of understanding to secure orderly movement of migrants from Uganda and better protection of their labour rights. This is encouraged by government as many Ugandans in the Diaspora continue to invest in their country through remittances and direct investments in various business ventures. This is also partly the reason the CICA was amended to provide for dual citizenship for Ugandans to facilitate free movement in and out of the country.

43. The NMP is intended to: (a) promote the attraction of qualified foreign workers, the acquisition of skills by nationals, the promotion of investments, and competitiveness of the private sector; (b) facilitate entry and residence of qualified foreign workers and entrepreneurs so as to fill the existing gap between the current manpower and needs on the labour market; (c) promote free movement of people, goods and services in the region; (d) facilitate the Ugandan Diaspora to contribute to national development for example through remittances; (e) ensure efficient management of border posts and reducing challenges linked to illegal migrations and potential threats to the security of the country; (f) make Uganda a secure and safe destination for investments, employment and tourism; and (g) To facilitate transparent and expeditious issuance of necessary travel documents to all deserving and bona fide applicants.

Migration within the East African Community

44. Article 104 of the treaty establishing the East African Community provides that "The Partner States agree to adopt measures to achieve the free movement of persons, labour and services and to ensure the enjoyment of the right of establishment and residence of their citizens within the Community". The same article further specifies means by which partner States can attain this objective including easing of border crossing by citizens of partner States, harmonization and maintaining common standard of travel documents for their citizens, harmonizing their labour policies, programmes and legislation including those on occupational health and safety.

45. This provision constitutes the basis of the Protocol on the creation of the Common Market that was negotiated and signed so as to ensure efficient implementation of this principle. The Protocol on the Common Market of the East African Community lays down principles such as: the non-discrimination of nationals from other Member States on basis of their nationality, suppression of restrictions to movement of workers, harmonization of policies, programmes, the labour legislation and social services, the delivery of social security services and the establishment of common standards and measures of association of workers and employers, the creation of employment promotion centres and, in short, the adoption of a common employment policy.

46. In addition, the protocol provides for the establishment of mechanisms for the suppression of restrictions on the right of establishment and residence of nationals from Member States, the suppression of measures that restrict free movement of services and suppliers of services, the harmonization of standards with the aim of ensuring acceptability of delivered services, cooperation in harmonizing and mutually recognizing academic and professional qualifications as well as in coordinating and harmonizing social policies. These general principles constitute a firm foundation of legal provisions on free movement of people and workers, as well as on the right of establishment and residence. Emphasis has been put on the elimination of different restrictions that may exist in the current laws, legislations and policies of Member States that may affect free movement of people. All these measures are progressively implemented and a lot of sensitization is going on to

educate the citizens about these new developments. Recently in February 2015 the East African Law Society in collaboration with the Uganda Law Society organized a consultative meeting with the members to discuss the modalities of harmonizing the legal systems, and promotion of business cooperation between law practitioners within the community and implications of the free movement of labour within the community.

47. It is important to note that only highly skilled professionals are entitled to move to other partner states for employment purposes under the EAC Common Market Protocol. This is not different from the situation that obtained prior to coming into force of the Protocol. Several restrictions on labour mobility like the work permit regime (which is now free in three of the five EAC member states – Kenya, Uganda and Tanzania) are also maintained by the Protocol. To this extent therefore, the provisions of the Protocol do not constitute a major departure from the laws, regulations and administrative practices that governed labour mobility in Uganda prior to 1st July 2010. However, the Protocol facilitates free movement of labour and the implication is that migrant workers with the requisite skills can compete favourably with nationals for the available professional jobs.

Articles 9 and 10: right to life; prohibition of torture, inhuman or degrading treatment

48. Article 24 of the Constitution guarantees that no person shall be subjected to any form of torture, cruel, inhuman or degrading treatment or punishment. The right to life is guaranteed and no person shall be deprived of his or her life except in accordance with the law. Uganda still has the death penalty on its statute books. "Every person has right to his or her physical and mental integrity. No one can be the subjected to torture, cruel, inhuman or degrading treatments." The Penal Code Act of Uganda punishes acts that attack the right to life and the physical or mental integrity of other persons, like murder, aggravated robbery, abduction of people, aggravated rape or defilement, torture including working under inhuman conditions, poisoning, corporal harm and other inhuman acts of similar nature. Attempted crimes against the life of the person are also liable to punishments if one is found guilty. Uganda is a member state to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Torture in the private and public spheres is prohibited and new legislation like the Domestic Violence Act of 2010 punishes persons who subject others within the domestic sphere to different forms of violence and this would apply to a migrant worker engaged by a family for domestic work for example, who is subjected to torture or inhuman treatment.

49. In Uganda, employment of children is regulated by the Employment Act of 2002. A child of 15 years and above may be engaged in remunerated work that is appropriate for one's age, health and does not jeopardize one's opportunities to education and attainment of the level of development and self-improvement. However due to inadequate enforcement and the complicity of child labour, children continue to work in domestic service, stone quarrying, brick-making and laying, construction, sand and clay mining, commercial agriculture, charcoal burning, hotels and bars, hunting and commercial fishing, and in the informal sector.[34] It was observed that many children are deprived of their dignity, right to education, health, wellbeing and protection due to child labour. This also affects children of migrant workers. Efforts are being made to strengthen the labour inspection of work places and to ensure compliance and accountability for those contravening the law. Irregular migrant workers are also encouraged to regularize their stay in the country to minimize subjection to inhuman and degrading conditions of work.

[34] Directorate of Labour Report, 2012/2013, pg. 14.

50. Every person has a right to seek redress where rights are violated by a police officer, public prosecutor or legal practitioner in the course of pursuing one's labour rights. For example, in case workers strike (sit down strike) or engage in a lawful peaceful demonstration they have a right to be treated humanely and a police or investigation officer who uses unreasonable force may be subjected to disciplinary action or depending on the gravity of the violation to other remedy seeking procedures that the complainants may choose. The use of torture for adducing evidence by police officers is unlawful and is punishable under the law.

Article 11: prohibition of slavery and forced labour

51. The Constitution of the Republic of Uganda 1995, in Article 25, guarantees that:

(1) No person shall be held in slavery or servitude;

(2) No person shall be required to perform forced labour.

52. The Employment Act in Section 5 provides that no one shall use or assist another in using forced or compulsory labour. Forced labour is defined in the Constitution and any person who contravenes the provisions of this section is liable on conviction to punishment of a fine of U Sh960,000 (approximately $300) or two years imprisonment or both, and a fine of U Sh80,000/ = (equivalent of $26.5) for each day or part of the day on which the breach continues.

53. Furthermore, the Ministry of Gender, Labour and Social Development launched the National List of Hazardous Child Labour in May 2010. Measures taken to implement the List include "promotion of child labour free zones, involvement of the local government authorities, development of Guidelines for Labour Inspectors on Identifying Hazardous Child Labour (2010), child participation, making use of different art techniques and involvement of the community and strengthening their capacity to tackle child labour".[35] This information has also been widely disseminated using different forms of media and stakeholders involved in the protection and promotion of the rights of children. The criteria used for drafting the list was:

(a) If work or the working environment exposes the child to dangerous machinery, equipment or, tools;

(b) Heavy workloads beyond their capacity that impair their moral, spiritual, psychological or physical development;

(c) Exposure to unhealthy environments with hazardous substances; infectious diseases, excessive noise, temperatures and vibrations;

(d) If that worksite increases the child or children's susceptibility to harassment or physical, psychological and sexual abuse;

(e) If the working environment is prone to dangerous underground working places, has water or has "working at heights" activities;

(f) If the workplace/employment confines children to the premises of their employers and increases their vulnerability in the process;

(g) If the work is characterized by strenuous working conditions and long hours of work;

[35] "Good Practice that Protect Children and Youth from Hazardous Work" http://www.ilo.org/public/english/region/afpro/daressalaam/download/gphazardous.pdf accessed 16 March 2015.

(h) If the work renders children or, a child to potential injury or any form of danger, or, hazardous assignment.

Articles 12, 13 and 26: freedom of opinion and expression; freedom of thought conscience and religion; right to join a trade union

54. The Constitution in Article 29, guarantees that every person has the right to:

(a) Freedom of speech and expression, which shall include freedom of the press and other media;

(b) Freedom of thought, conscience and belief which shall include academic freedom in institutions of learning;

(c) Freedom to practice any religion and manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organization in a manner consistent with this constitution;

(d) Freedom of association which shall include the freedom to form and join associations or unions, including trade unions and political and other civic organizations.

55. This article applies to regular migrant workers in the country as to the citizens. Under the Labour Unions Act, 2006, employees in Uganda, including migrant workers, have the right to organize and bring action as a union. This right cannot be interfered with by the employer.[36] However, a migrant worker cannot take up a leadership position in a trade unions no engage in political activities. However, he or she and the members of his/her family are free to practice one's religious and culture s longer as the practices are in line with the provisions of the Constitution. Any belief, practice or custom that is repugnant to good conscience and natural justice is outlawed in Uganda.

Articles 14 and 15: prohibition of arbitrary or unlawful interference with privacy, home, correspondence and other communications; prohibition of arbitrary deprivation of property

56. The Constitution in Articles 26 and 27, guarantee that:

(a) Every person has a right to own property either individually or in association with others;

(b) No person shall be compulsorily deprived of property or any interest in or right over property of any description;

(c) No person shall be subjected to:

(i) Unlawful search of person, home or other property of that person; or

(ii) Unlawful entry by others on the premises of that person;

(d) No person shall be subjected to interference with the privacy of that person's home, correspondences, communication or other property.

57. It is important to note that any person coming into or leaving Uganda can be checked by an immigration officer together with any luggage that the person has ascertain that person does not have anything unlawful or may be harmful to the people of Uganda or

[36] Labour Unions Act, 2006, Uganda.

in the transit and destination countries. This kind of search is sanctioned by law and is not in any way a violation of one's privacy and rights. Secondly, the Directorate of Labour, under the Ministry of Gender, Labour and Social Development as the government enforcement arm of labour rights, industrial relations, employment, occupational, safety and health standard plays an oversight role on labour productivity matters in Uganda.

58. The Directorate has three departments namely Labour, Industrial Relations and productivity; Occupational Safety and Health; and Employment Services. The department of Labour, Industrial Relations and Productivity ensures compliance, harmony, peace and increased productivity in the world of work through Labour inspections, complaints and dispute resolution, compensation handling and prosecution of the labour legislation defaulters. The department of Occupation Safety and Health ensures the prevention of accidents and occupational disease in the workplace and promotion of Safety and Health at work. The department of Employment Services links the job seekers to employers, labour market information and oversees employment of workers internally and externally.

59. Inspectors from this Directorate of Labour have powers to make routine checks, on-spot checks and follow up visits to different establishments to ensure that the employers and employees are complying with the labour laws. An employer is supposed to submit information on any migrant workers working with his establishment and in the process the inspector can affect check on private property, documents as required by law even without a warrant. No non-Ugandan citizen is supposed to own land except under a lease arrangement for an agreed number of years which have to be stipulated in the lease agreement.

Articles 16 (paras. 1–4), 17 and 24: right to liberty and security of persons; safeguards against arbitrary arrest and detention; recognition as a person before the law

60. The Constitution of the Republic of Uganda 1995, Article 23, guarantees that:

(a) No person shall be deprived of personal liberty except by sentence or order of a court;

(b) A person arrested, restricted or detained shall be kept in a place authorized by law.

61. The CICA states that a migrant aggrieved by a detention order has the right to appeal the decision within 15 days to the High Court and has the right of further appeal to the Court of Appeal.[37] Importantly the Uganda Citizenship and Immigration Control (Establishment of Immigration Custody Centres) Regulations, 2012, allow for a safe environment for the detention of immigration offenders away from convicted persons and society. The Regulations further provide for greater accountability and efficient case management.[38]

62. Depending on the nature of the offence, community service is served instead of detention.

[37] Uganda Citizenship and Immigration Control Act, Cap. 66, Uganda, s. 60.

[38] Uganda Citizenship and Immigration Control (Establishment of Immigration Custody Centers) Regulations, 2012, Uganda.

Articles 16 (paras. 5–9), 18 and 19: right to procedural guarantees

63. Uganda ratified the Convention with a reservation in regards to Article 18 stating that: "The Republic of Uganda cannot guarantee at all times to provide free legal assistance in accordance with the provisions of Article 18 (3) (d)." The Constitution of the Republic of Uganda 1995, in Article 23, guarantees that:

(a) A person arrested, restricted or detained shall be informed immediately, in a language that the person understands, of the reasons for the arrest, restriction or detention and of his or her right to a lawyer of his or her choice;

(b) A person is presumed innocent until proven guilty. Except where a person is suspected of being in Uganda irregularly, then the onus is on him or her to prove otherwise.

64. A detained foreigner/alien shall be informed about the reasons for his/her detention in a language he/she understands, and on the laws governing the conditions of detention and his/her rights as a detained people as well as modalities by which detained persons can be assisted by interpreters and to contact their legal representatives. A detained person has to be produced in Court within 48 hours (2 days). Every person under prosecution for an alleged crime may be released on bail on conditions that he/she respects certain obligations such as to regularly report to the prosecution officer or he/she provides material or personal guarantee or deposit his/her travel documents with court. A migrant worker has similar rights to legal proceedings and also the right to medical care while in detention.

65. Migrant workers enjoy the right to inform the consular mission of countries of their origin. They enjoy the right to meet or exchange information with the resident diplomatic representation of their country in Uganda. If the person is from a country with no mission in Uganda, arrangements can be made through another international organization like IOM to assist the Police or Interpol Uganda to relay this information to relevant contacts in the respective country. Illegal detention is prohibited by law; the victim enjoys the right to lodge a petition before the judge to obtain compensation through the habeas corpus procedure.

66. A person in detention has extensive rights including treatment with dignity and the respect of their human rights. The person cannot be subjected to any forms of torture, cruel and any other inhuman or degrading treatment. No discrimination whatsoever based on ethnic origin, colour, sex, language, religion, political opinion, nationality, social origin, economic status, birth or any other status is permitted. Irregular migrants are not kept with convicted prisoners but with suspects on remand pending completion of investigations once they have been committed to prison by court. Uganda has no special facilities for detention of irregular migrants as they wait for their matter to be completed. Plans are underway to construct the very first one in the country under the implementation of National Development Plan II.

Article 20: limitations to imprisonment, deprivation of authorized residence and/or work permit and expulsion

67. There are instances where a migrant worker might be denied a residence or work permit or may be expelled from Uganda. These are however limited to matters of national security or other misdemeanour like fraud. The Constitution and Labour laws do not provide for expulsion, denial of entry or imprisonment based on failure to fulfill contractual obligation explicitly. However, if they fail to fulfill contractual obligations this may lead to termination of contract and then the migrant worker may have to leave the country especially if the work permit was granted specifically in relation to that engagement. On the other hand if the matter is brought before court and is deemed by a competent court of law

to have criminal dimensions such as an intent to defraud the government or other individuals (for example non-compliance with contract obligations or corrupt action), expulsion may be ordered. This is under the general provisions of the Penal Code Act that relate to fraud or professional misconduct.

Articles 21, 22 and 23: protection of right to due process, protection from confiscation and/or destruction of identification document and other documents; protection against collective expulsion; right of recourse to legal action

68. Under the Constitution of the Republic of Uganda (1995), Articles 23, 24, 26 and 27 provide the following:

- Article 23: protection of personal liberty;
- Article 24: respect for human dignity and protection from inhuman treatment;
- Article 26: protection from deprivation of property;
- Article 27: right to privacy of person, home and other property.

69. Confiscation and destruction of an identity document of a migrant worker therefore infringes upon the protection offered to property and personal liberty, degrades their human dignity and counts as inhuman treatment. A migrant worker and his/her family members who enter Uganda after fulfilling all the requirements shall enjoy the constitutional guarantees except if he/she contravenes the legal or regulatory provisions related to the conditions of entry, residence and the establishment of aliens as provided for under the various laws mentioned above, or when he/she contravenes the criminal law. In this case, authorities may apply the Penal Code Act and Criminal Procedure Rules which provide for special confiscation of objects that will have been used to commit a crime for example, non-citizen's identity card, passport or resident permit/aliens card if it was obtained on the basis of false declaration, it may either be confiscated or cancelled by authorities that issued them. Identity particulars and other documents may be seized during investigation in accordance with the provisions of Criminal Procedure Rules and this shall be duly recorded and a copy of the record given to the person so accused.

70. When a foreigner is either arrested or detained, appropriate authorities shall inform the accused of his/her right to seek consular or diplomatic protection. As a party to the Vienna Convention on Consular Relations Uganda is bound by provisions of the Convention, especially Article 36 that stipulates that the "Personnel of a Consular Mission shall enjoy the liberty to communicate with nationals of their country of origin and to visit them. Nationals of the country of origin shall enjoy the same liberty to communicate with the personnel of the Consular Missions and to visit them. If the person concerned so demands, authorities of the host country shall without delay notify the Diplomatic Mission of the country of origin when a national of that State is arrested, imprisoned or put in state of preventive detention or any other form of detention.

Articles 25, 27 and 28: equality of treatment in respect of remuneration and other conditions of work and terms of employment; social security; right to receive urgent medical care

71. Article 21 of the Constitution of the Republic of Uganda, 1995 outlaws any form of discrimination based on sex, gender, colour, race, ethnicity, religious creed, among others. This article informs the principles on which equal pay for equal work is based in the

Employment Act, 2006 which guarantees equality of remuneration for work of equal value. Furthermore, the Occupation, Safety and Health Act, No. 9 of 2006 grants the right to employees to be accorded safety and health measures by their employers.[39] This is further supplemented by the Worker's Compensation Act, No. 5 of 2000 where employers are mandated to provide for compensation to workers for injuries suffered and diseases contracted in the course of their employment.[40] It is important to note that the National Social Security Act caters for persons in the private sector who are working with establishments with at least five employees. Uganda is in the process of liberalizing the pension sector and this will offer more options for employees including migrant works. However, majority of persons in the informal sector do not have any social security arrangements.

Articles 29, 30 and 31: right of a child of a migrant worker to a name, registration of birth and nationality; access to education on the basis of equality of treatment; respect for the cultural identity of migrant workers and members of their families

72. The Children Act provides for the rights of children in Uganda and these include the right to a name. The Birth Registration Act provides for registration of children born in Uganda. The Right to education is guaranteed in the Constitution for girls and boys (Art. 30) and equally for men and women in order to realize their full potential at every stage of life (Art. 33). Every person in Uganda has a right to practice their culture in as far as it is in line with the provisions of the Constitutions and laws promulgated there under. The practice of one's culture is limited if in the process it violates the rights of others for example, female genital cutting is prohibited in Uganda. It is unlawful for a migrant worker to practice female genital cutting on any member of his or her family as it violates the rights of the girl child to be protected from inhuman and degrading treatment. The migrant workers can teach their children the local language from their country of origin. However, Uganda has limitations which make it practically impossible to assist in the actual instruction of such languages that are foreign in the context of this country. Uganda implements a universal primary education and universal secondary education.

Articles 32 and 33: right to transfer in the state of origin their earnings and belongings Including savings and personal belougings; right to be informed on the rights arising from the convention and dissemination of information

73. The Constitution recognises the right of equal pay for work of equal value as already noted above. No person shall be deprived of his/her property. The Employment Act, 2006 guarantees the freedom to spend wages anywhere. Section 43 (3), states that "no employer may impose any contract of service an agreement, or order any condition, as to the place where, or the manner in which, or the person with whom any wages paid to an employee shall be expended." An employer has an obligation to repatriate an employee to the place of origin and if they have worked with an establishment for at least 10 years to any retirement place. This includes the family members if they had been brought to the place of employment. An employee loses this right where one is summarily dismissed. A migrant

[39] Occupation, Safety and Health Act, No. 9 of 2006.
[40] Worker's Compensation Act, No. 5 of 2000.

worker has a right to transport his property back to his/her country of origin once one fulfills the requirements.

74. The Employer has an obligation to give an employee a contract of services which outlines the terms of service, rights and obligations plus the duties. In addition the employer is required to have proper Human Resources Procedures and Rules and the employees must have access to this information. The right to belong to a Union also once protected will enable an employee to have access to information through the union about the employment conditions. The Employment Act Section 43 makes in an obligation on the part of the employer to pay the workers' wages in legal tender or by depositing the same on the worker's account. No unauthorized deductions are to be made without the prior consent of the employee.

75. Where an employee is housed by the employer, she/he shall not vacate the premises until she/he been paid his terminal benefits Section 45 (5) of the Employment Act. When a contract of service terminates in whatever manner, within 7 days the employer shall pay to the employee all that which is due to him/her and any accumulated benefits the person would be entitled to. All these provisions apply to migrant workers and secure their earnings and transfer them to their place of origin only subject to the transfer costs. The National Social Security Fund pays migrant workers their savings at the end of their contracts when they are leaving the country.

VII. Other rights of migrant workers and their families who are documented or in a regular situation

Article 37: right to be informed before departure of the conditions of admission and information on the state of employment and of the remunerated activity

76. According to the CICA a migrant worker coming to Uganda as an employee is supposed to have received an approval of the grant of permit before the person arrives in Uganda (Class G).[41] The employer is expected to apply on your behalf and show cause for choosing to employ you instead of a Ugandan citizen. This should be a professional position. It is therefore, implied that the employee have information on the conditions of work before she/he finally arrived in the country. The Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005, expounds on the need for pre-departure orientation seminars for migrant workers; Right to be temporarily absent without effect upon authorization to stay or work; right to liberty of movement and to choose the residence in the territory of the State of employment. The Rules and Regulations promote the rights of Ugandan migrant workers abroad by securing the best possible terms and conditions of employment for them.

77. Constitutionally, the right to liberty of movement and choice of residence in the territory of the employment country is based on Articles 29 on freedom of movement and 23 on protection of personal liberty to choose, or the right to exercise choice. The Constitution and the labour laws thereto are however quiet on the right to be temporally absent without effect upon authorization to stay or work. An employer may dismiss a worker on account of absconding or absence under the Employment Act, 2006.

[41] Uganda Citizenship and Immigration Control Act.

Articles 40, 41 and 42: right to form associations and trade unions; right to participate in public affairs of their state of origin and to vote and be elected at elections of that State; procedure and institutions taking care of the needs of migrant workers and possible enjoyment of political rights in the State of employment

78. The Constitution of the Republic of Uganda 1995, Article 29, guarantees that every person shall have the right to:

(a) Freedom of speech and expression, which shall include freedom of the press and other media;

(b) Freedom of thought, conscience and belief which shall include academic freedom in institutions of learning;

(c) Freedom to practice any religion and manifest such practice which shall include the right to belong to and participate in the practices of any religious body or organization in a manner consistent with this constitution;

(d) Freedom of association which shall include the freedom to form and join associations or unions, including trade unions and political and other civic organizations;

79. The Constitution does not extend political participation rights in the national political processes to migrant workers unless if they have dual citizenship as granted under the Constitution (Amendments) of 2005 and the amendment to the CICA in 2006. The right to participate in matters of political nature, or, otherwise, affairs of their countries of origin is however unfettered and unconstrained. The Constitution of Uganda, 1995 however extends voting and political rights to Ugandan workers outside the country provided they have not renounced Ugandan citizenship. Presently there are no mechanisms in place for the Ugandan Diaspora to vote due to the costs involved. In line with Article 29 of the Constitution, under the Labour Unions Act, 2006, employees in Uganda, including migrant workers, have the right to organize and bring action as a union. This right cannot be interfered with by the employer.[42] Section 76 of the Uganda Citizenship and Immigration Control Act prohibits migrant workers to take up positions of leadership in certain organisations: "An alien shall not be a member of the Executive Committee of a trade union or a youth movement in Uganda. Harmonization is therefore needed.

Articles 43, 54 and 55: principle of equality of treatment with nationals of the State of employment in relation to issues indicated; equality of treatment as to protection against dismissal, unemployment benefits and access to public works schemes and alternative employment; equality of treatment in the exercise of a remunerated activity

80. The Constitution of Uganda, 1995, under Article 21 provides for equality and freedom from discrimination. This applies to all foreign or migrant workers in Uganda as well. They are entitled to equal regardless of race, colour, sex, gender, religious creed, and ethnicity or under any other circumstance. This constitutional provision is given precedence under the Employment Act, 2006, which provides for equal remuneration for work of equal value. The Equal Opportunities Commission Act also prohibits discrimination. The contract of service normally has stipulated rights and obligations including the right of each party to terminate the contract. The employer retains the right to invoke these provisions if there is

[42] Labour Unions Act, 2006, Uganda.

failure on the part of the employee to fulfill the contractual obligations, there is poor performance or far below the expected level as a professional. However, the right of the employee to be heard, to be given warning, to be accessed in accordance with the human resources standards apply equally to nationals as well as migrant workers.

81. In Uganda there are no unemployment benefits schemes and alternative employment is not guaranteed once one loses the employment which enabled the migrant to come into the country. However, an employer is supposed to file returns every six months with the Director of Immigration indicating the number of migrant workers in his/her establishment. So once employment is no more, the migrant worker is expected to leave the country or apply for a temporary pass to explore opportunities for investment or engagement in alternative enumerated activities.

Articles 44 and 50: protection of the unity of the families of migrant workers migrant workers in the indicated aspects and measures taken to guarantee integration of children of migrant workers in the local school system; right to freely choose a remunerated activity for members of a migrant worker's families

82. The family is protected under the Constitution of the Republic of Uganda. A migrant worker is free to move with his/her family to the place of work if this is acceptable to the employment arrangements. In case the family stays in the country of origin, the migrant worker once he/she has the permit or certificate of residence or pass can seek for a multiple visa in case the country has no bilateral agreement with Uganda. The Law guarantees family reunion by stipulating that foreigners who permanently reside in Uganda are facilitated to be joined by members of their families. The status and the capacity of foreigners as well as their family relations shall be governed by the law of the country of origin. If a person entered into a contract of marriage for convenience and this fact is discovered, the permanent residence certificate may be revoked or changed to one of a different status.

83. In case of death, the heir or legal representative of the deceased worker shall be entitled to the wages and any other remuneration due to the employee at the date of death. When an employee dies at work or on the way to the place of work, the employer shall notify the district labour officer about the demise of the employee, who will duly inform the Director of Immigration. The employee has the obligation to transport the body of the deceased to the place of burial after being notified by the next of kin of the employee (Section 42 of the Employment Act). Normally these details are available on the staff file with the contacts of the next of kin and the beneficiaries in case an employee passes on. Needless to mention that the terminal benefits are normally stated in the contract of employment, including the repatriation of the body, or in the general human resources policies of the establishment.

84. In case of marriage between foreigners resident in Uganda, the admissibility of divorce due to justifiable reasons (irretrievable break down of marriage or incompatibility shall be governed by laws of Uganda unless the national law of the spouse applying for divorce stipulates otherwise. In case of marriage between spouses of different nationalities, of whom one is Ugandan, admissibility of divorce shall be governed by the laws of Uganda. The law stipulates that in case of divorce, children shall be placed under the care of the spouse who in the circumstances of each case is best placed to have custody of the children taking into account the best interests of the child/ren, unless the court of law, automatically or on request of one of the spouses or the Public Prosecution, in the best interest of the children, orders that one or some of the children be placed under the guardianship of either of the spouses or a third party. The spouse who may not be granted the custody of the

child/ren has a right to see and meet with the child/ren unless if it is not in the best interest of the child/ren. These arrangements may be changed/revoked on application of one of the ex-spouses for review. Children who are in position to speak are given the chance to do so.

Articles 45 and 53: enjoyment of equality of treatment for members of the families of migrant workers in the indicated aspects and measures taken to guarantee integration of children of migrant workers in the local school system; right to freely choose a remunerated activity for members of a migrant worker's family

85. As already indicated above, Chapter Four of the Constitution of Uganda, 1995, confers the same regime of rights on migrant workers. In addition, these rights are further elaborated in the Employment Act, 2006 and other labour laws. Uganda's public and social policies are also non-discriminatory. For example, both Universal Primary and Secondary Education schemes initiated in 1997 and 2007 respectively are non-discriminatory in terms of access and utilization. Children of migrant workers can access these services. Equally so, they can access the national healthcare system and other social services, as long as they can afford to pay the cost-sharing fees where they exist or other associated bills.

86. A migrant worker has the right to choose the remunerated activity to engage in. What is required is that he/she has the qualifications; the experience sought and can equally compete for the position like any other qualified Ugandan.

Articles 46, 47 and 48: exemption from import and export duties and taxes in respect of particular belongings; right to transfer earning and savings from the State of employment to the State of origin or any other State, imposition of taxes and avoidance of double taxation principle

87. A number of measures have been taken and these include:

(a) Uganda has a liberalized foreign exchange market;

(b) Tax exemptions are allowed on personal belongings and double taxations is avoided by proof that indeed taxes were paid;

(c) The Liberalization of Pensions and other Retirements Benefits' Sector Bill, 2010 once adopted will among others allow portability of retirement and social security benefits.

Articles 51 and 52: right to seek alternative employment in case of termination of the remunerated activity for migrant workers; not authorized to freely choose their remunerated activity; conditions and restrictions for migrant workers who can freely choose their remunerated activity

88. Migrant workers have the right to free choice of remunerated activity that they exercise on condition of possessing a temporary resident permit. This right is guaranteed by the Constitution and other Immigration and labour laws. There are no restrictions for migrant workers who are legally in the country to freely choose a remunerated activity. The challenge is of course where citizens compete with migrant workers for simple and unskilled jobs and in the end due to limited access to collective resources and savings many have been out-competed by these migrant workers and their businesses collapse. With

better monitoring of the impact of migration on employment, government will be in a better position to protect its citizens and balance the interests of the so-called small scale investors and those of the nationals.

Articles 49 and 56: authorization of residence and authorization to engage in a remunerated activity; general prohibition and conditions of expulsion

89. As per Section 68 of the Uganda Citizenship and Immigration Act migrant workers are allowed to engage in remunerated activity. General prohibitions and conditions for expulsion of foreign workers:

(a) At the EACCMP level, the general prohibition is, if, the worker or professional is not provided for in mutual recognition agreements;

(b) There are skills categories which are in plenty in Uganda. The DCIC may refuse to grant a work permit in light of this observation in respect to the DCIC Act, 2004, especially to non-EAC workers;

(c) Similarly, the Second Schedule of the Uganda Investment Code of 1992 identifies priority areas for investment by foreigners. These priorities aim at achieving the objectives of value addition requirements to the agricultural products, manufacturing and industrialization, skills transfer and employment creation. Foreign workers may be expelled or deported if they do not fit within the labour categories and need for Uganda.

90. Other issues of grave concern include criminal behaviour related to trafficking in persons, drugs, illegal or illicit entry, money laundering, terrorism, arms smuggling, people smuggling and meddling into the political affairs of Uganda as provided for under national laws.

VIII. Provisions applicable to particular categories of migrant workers and members of their families

Article 61: bilateral and multilateral agreements concluded in the field of migration

91. The EACCMP (2010) authorizes residence and movement of capital for EAC member states' citizens. Under Schedule 2 of the EACCMP, it equally provides for mutual recognition agreements for members of the EAC countries. These have authority of residence and engagement in remuneration. In addition to these schemes, other foreign workers enjoy the same rights. Under the Uganda Citizenship and Immigration Control Act (Cap. 66, Laws of Uganda, 2004); foreign workers can seek and acquire residence and work permits/visas to engage in paid work.

92. The Uganda Citizenship and Immigration Control (Amendment) Bill, 2014 is being proposed to provide for, inter alia; freedom of movement of labour for EAC citizens, free movement of workers, the right of residence and the right of establishment under the EACCMP (2010). There are other regional arrangements such as the Tripartite EAC-COMESA-South African Development Community that will soon turn into a free trade area. These will remove tariff and non-tariff restrictions on trade and other services by 2015. The African Union-wide free trade area is also envisioned to commence negotiation in 2015. These arrangements will also provide for increased authorization of residence and remunerated activities.

Article 65

93. The DCIC based in the Ministry of Internal Affairs is responsible for ensuring that there are equitable, humane and lawful conditions in connection with international migration of workers and members of their families. This Directorate ensures that every person who enters Uganda or is transiting or leaving country does so in accordance with the provisions of the law. The Directorate is a source of information on migration issues and offers numerous services like issuance of passports and other travel documents (which enable Ugandans to travel as migrant workers to other countries), processing of visas, work permits, certificates of residence or passes for different categories of migrant workers to Uganda, and facilitating investors have the resident permits and visitors for short stay. Taking advantage of new technologies the Directorate has democratized access to information about their mandate, services and the laws, policies and regulations that govern their day-to-day work and decision making processes.

94. In addition, the Ministry of Gender, Labour and Social Development which is in charge of labour rights issues works closely with the DCIC to ensure that information on labour markets in Uganda and elsewhere is available and accessible to different users. Through cooperation agreements within the EAC conditions for movement of professionals in different fields has been made easier. Other memorandums of understanding are being negotiated with a number of destination countries for Ugandan migrant workers in the Middle East. This is all intended to promote sound, equitable and humane conditions in connection with international migration of workers. The immigration laws and regulations give to migrants the right to employment when one is in possession of a contract of service, a valid travel document issued by the country of origin, a letter of good standing, and a valid resident permit. The Employment (Recruitment of Ugandan Migrant Workers Abroad) Regulations, 2005 and the External Employment Unit ensure that there is orderly migration. By December 2011, 19 private recruitment agencies had been licensed to undertake recruitment.

Article 67

95. Uganda has taken several measures related to efficient and appropriate organization of the return of migrant workers and members of their families to the country of origin. They are able to transport their household goods without paying any duties. When a migrant worker wishes to leave Uganda to return to his/her country of origin, and in case of loss of his travel documents, the Director of Immigrations would provide him/her with a one-way emergency travel document to enable him/her travel to his/her country without any hindrance. For those with diplomatic and consular representations in Uganda, they may approach their Embassies or Consulates to have their lost travel documents replaced. The return to the country of origin constitutes an absolute right even in case of irregular migrants. The Government in a number of cases has worked closely with IOM to effect the return, resettlement and reintegration of migrant workers. When a migrant worker wishes to leave Uganda to return to his/her country of origin he/she needs to have the required documents in order to complete the exist procedure. All obligations under his contract need to be fulfilled before departure.

Article 68

96. The Employment Act, 2006 in Section 37 outlaws any person organizing the illicit or clandestine movement of migrants for employment for purposes of departure from, passing through or arriving in Uganda or to give assistance to any organization for this

purpose. The Act further provides that it is also unlawful for a person to employ another whom he/she knows or suspects to be irregularly in Uganda. This is an offence that is punishable under the law. These provisions are some of the measures that government has put in place to prevent and eliminate illegal or clandestine movements and employment of illegal migrant workers. The immigration posts have been improved and the control systems of movements along the borders strengthened. All persons who enter or leave Uganda must be registered and the immigration officers have powers to check all their documents and luggage to ascertain that their travel is regular.

97. A number of measures have been undertaken including:

(a) Sensitization and awareness creation on the dangers of illegal movements and human trafficking by police through the community policing programmes, local council leaders; immigration and revenue officers at border posts and generally through different media outlets;

(b) Children and women in poorer communities are most vulnerable as many of them do not have the capacity and knowledge to cross check the information on the promises made for a better life and employment opportunities.[43] Uganda is also a transit country for traffickers taking children to other countries in the region for sexual exploitation and harmful labour that is not appropriate for their age;[44]

(c) Establishment of Prevention of Trafficking in Human Persons Coordination Unit in the Ministry of Internal Affairs and as a result there have been an increase in the number of cases of persons rescued from the traffickers. Some of the most recent cases have involved netting of religious leaders who collect children from rural settings and in the poor urban settlements promising their parents that they would have access to better education opportunities. Some traffickers sexually abuse their victims before they embark on their journey to a new community in Uganda or other country;

(d) Section 37 of the Employment Act, 2006 further domesticates Article 68 making clandestine movement and employment of illegal migrant workers unlawful. The Act has also strengthened labour inspection and strengthening control systems of movements along borders. Laws are in place to ensure the registration of all foreigners in the country. The laws in Uganda have sanctions against people who do not comply with the conditions related to the recruitment of migrant workers. Sanctions provided for by law in a prison sentence or payment of a fine or both.

98. Uganda has domesticated and widened the definition of the crime of trafficking as per the Prevention of Trafficking in Human Persons Act, 2009. The Coordination Office to Combat Trafficking in Persons established under the Ministry of Internal Affairs is mandated to monitor, coordinate and oversee the implementation of the Prevention of Trafficking in Persons Act, 2009. Trafficking of non-nationals to Uganda has declined over the years while trafficking of Ugandan nationals to other countries has increased. This decline may of course be accounted for by the criminalization and the harsh penalty for trafficking in persons. This has however not stopped the trafficking of individuals to foreign territories where the statistical data shows an increase. The IOM Mission in Uganda reports that while in 2008 there was no data on Ugandan victims of trafficking and exploitation by 2013 the number had grown to 25 reports with the majority (20), being female victims.[45] Countries in the Asian region namely Malaysia and Thailand had the

[43] The Reports of the Coordination Office for Prevention of Trafficking in Persons, 2013 and 2014.
[44] Ibid. 3 and 4.
[45] Ibid. 42.

greatest number of Ugandan victims of trafficking.[46] There have been efforts to prosecute and punish traffickers under the Prevention of Trafficking of Persons Act. To date, one case can be cited brought against a Chinese national for the criminal offence of aggravated trafficking in children, aggravated defilement and simple defilement.[47]

Article 69: measures taken to ensure that migrant workers in an irregular situation do not persist in this condition within the territory of a State party and circumstances to take into account in case of regularization procedures

99. The government of Uganda has taken advantage of the advancement in technology to democratize information. This is one way of ensuring that all persons in Uganda and those intending to come to Uganda in search of work can easily access the information about the procedural requirements and documents that one needs in other to regularize their stay in Uganda and thereafter access in case got into the country without prior arrangement. The sanctions have also been made clear. Employers are also warned about employing illegal migrant workers and have the duty where appropriate to work with the employees to regularize their stay in Uganda through:

(a) Counselling and rehabilitation;

(b) Working and coordination with IOM and government ministries, departments and agencies.

Article 70: measures taken to ensure that living conditions of migrant workers and members of their families in a regular situation are aligned with standards of fitness, safety, health and principles of human dignity

100. An employer and a worker are both obliged to ensure that the work place standards comply with labour laws in terms of securing a clean, safe and healthy working environment. At all times the dignity of workers must be upheld. On one hand, the employer has the obligation to ensure that the working premises comply with working health and security standards by making provision for protective equipment needed and how to use it; instructing the workers on how to use equipment and be taken through the safety drills; and regularly and promptly paying the workers the remuneration agreed in a timely and consistent manner. The employees must work only the stipulated hours to avoid making mistakes due to exhaustion. This means that their days or time off should be respected by the employer. These requirements are provided for in the labour laws. The challenge is that due to scarcity of jobs and availability of abundant casual and unskilled labour, these obligations are sometimes over looked by the workers till such a time when it becomes life threatening. Government has strengthened the labour inspection units to ensure that the regular, statutory and routine labour standards and rights' inspections by the competent authority take place. The need is vast compared to the financial, material and human resources available. To mitigate this gap, government has focused on mass education about workers' rights, dissemination of the laws and guides and collaborating with workers' bodies.

[46] Ibid.

[47] Uganda, *Yang Zheng Jun v. Uganda*, 2013, 99/2013 and 104/2013.

101. On the other hand, the worker has the obligation to personally accomplish his/her work or service within the specified deadline, at the work place and under agreed conditions, to abstain from anything that could jeopardize his/her own security or the security of other workmates or a third party or from attacking his/her dignity and the dignity of other workers. Concerning health and security, the Labour Law stipulates that the workplace must always be kept in a state of cleanliness and offer favourable conditions to ensure health and guarantee the security of the personnel. The trade Unions participate in the knowledge dissemination workshops.

Article 71: repatriation of the bodies of deceased of migrant workers or members of their families and compensation matters relating to the death

102. Depending on the circumstances of the death this can be administratively and procedurally done as part of labour rights and standards as provided for in the labour laws of Uganda. Refer to Section 42 of the Employment Act.

IX. Conclusion

103. Taking into account the contents of this report Uganda is strongly committed to the implementation of the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families and ensuring that all other key international human rights treaties that Uganda has ratified that are relevant to the issues of migrant workers are applicable in the Ugandan context.

104. Migrant workers enjoy similar rights like the workers who are citizens of Uganda. This is the status once a migrant worker has regularized his or her stay in the country. The Constitution as well as in other legal instruments and the policy frameworks clearly provide for the implementation of the Convention within Ugandan's jurisdiction. Indeed there are still areas of major challenge particularly in curbing the influx of irregular migrants through Uganda's porous borders in a region that is quite volatile and many more people are on the move to find opportunities for engaging in remunerated work. The government has taken bold steps in the last 10 years to ensure that migration of persons, labour and goods in and out of Uganda is more of a socio-economic and political benefit than a liability and a threat to the country's security and stability. Using a human rights based approach in handling migrant labour issues has demonstrated government's commitment to the promotion and the respect of human rights and the desire for Uganda to attract the best labour so that as a country it is possible to minimize the labour gaps in the key sectors that are driving the economy and the country towards the goals of Uganda's Vision 2040.

105. To be able to realize the goals and objectives of the immigration laws and policies the Government of Uganda acknowledges the need to have all the key stakeholders on board. In addition to sensitizing the general public about migration issues, there is provision of targeted information and training that is ongoing, reaching out to legal practitioners, police and investigators, immigration officer, labour officers, leaders in the private sector, judicial officers, the media and other civil society organizations working on labour migration issues. The increased exchange and sharing of data and information materials, has resulted in different actors participating more in coordinated actions and longer terms initiatives intended to facilitate the full implementation of the Convention.

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Annex I

Status of ratification by Uganda of human rights instruments

Status of ratification of other human rights instruments

Treaty	*Signature*	*Ratification*	*Accession*	*Succession*	*Entry into force*
United Nations Convention against Transnational Organized Crime	12 Dec. 2000	9 Mar. 2005			
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	12 Dec. 2000				
Slavery and slavery-like practices	*Signature*	*Ratification*	*Accession*	*Succession*	*Entry into force*
Slavery Convention	Not signed				
Protocol amending the Slavery Convention	Not signed				
Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery			12 Aug. 1964		
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	Not signed				
Freedom of Association	*Signature*	*Ratification*	*Accession*	*Succession*	*Entry into Force*
Freedom of Association and Protection of the Right to Organize Convention	Not signed				

Employment and forced labour	*Signature*	*Ratification*	*Accession*	*Succession*	*Entry into force*
Convention concerning Forced or Compulsory Labour	Not signed				
Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value	Not signed				
Convention concerning the Abolition of Forced Labour		4 June 1963			
Convention concerning Discrimination in Respect of Employment and Occupation	Not signed				
Convention concerning Employment Policy		23 June 1967			
Convention concerning Occupational Safety and Health and the Working Environment	Not signed				

Education	*Signature*	*Ratification*	*Accession*	*Succession*	*Entry into force*
Convention against Discrimination in Education		9 Sep. 1968			

Persons with disabilities	*Signature*	*Ratification*	*Accession*	*Succession*	*Entry into force*
Convention on the Rights of Persons with Disabilities	30 Mar. 2007				
Optional Protocol to the Convention on the Rights of Persons with Disabilities	30 Mar. 2007				

Refugees and asylum	*Signature*	*Ratification*	*Accession*	*Succession*	*Entry into force*
Convention relating to the Status of Refugees			27 Sep. 1976		

Nationality, statelessness and the rights of aliens	*Signature*	*Ratification*	*Accession*	*Succession*	*Entry into force*
Convention on the Reduction of Statelessness	Not signed				
Convention relating to the Status of Stateless Persons			15 Apr. 1965		

War crimes and crimes against humanity, genocide and terrorism	*Signature*	*Ratification*	*Accession*	*Succession*	*Entry into force*
Convention on the Prevention and Punishment of the Crime of Genocide			14 Nov. 1995		
Rome Statute of the International Criminal Court	17 Mar. 1999	14 June 2002			

Law of armed conflict	*Signature*	*Ratification*	*Accession*	*Succession*	*Entry into force*
Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field		18 May 1964 (ratified/accee ded)			
Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea		18 May 1964 (ratified/accee ded)			
Geneva Convention relative to the Treatment of Prisoners of War		18 May 1964 (ratified/accee ded)			
Geneva Convention relative to the Protection of Civilian Persons in Time of War		18 May 1964 (ratified/accee ded)			
Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I)		13 Mar. 1991 (ratified/accee ded)			
Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims on non-international armed conflicts (Protocol II)		13 Mar. 1991 (ratified/accee ded)			

African regional conventions	*Signature*	*Ratification*	*Accession*	*Succession*	*Entry into force*
African Charter on Human and Peoples' Rights	18 Aug. 1986	10 May 1986			
Convention Governing the Specific Aspects of Refugee Problems in Africa	10 Sep. 1969	24 Jul. 1987			

Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	18 Dec. 2003	22 Jul. 2010
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	1 Feb. 2001	16 Feb. 2001
African Charter on the Rights and Welfare of the Child	26 Feb. 1992	17 Aug. 1994

Source: University of Minnesota Library, USA.

Annex II

Requirements for issuance of visas and permits

Visa fees

Category of visa	*Cost (United States dollars)*
Single entry	50 per individual
Multiple entry visa 6–12 months	100
Multiple entry visa 24 months	150
Multiple entry visa 36 months	200
Students entry visa for students who are not nationals of East African Cooperation	100
East African Tourist Visa (three months multiple entry for Kenya, Rwanda and Uganda)	100
Residents of Kenya, Rwanda and Uganda travelling to any of the three countries can now enter the alternative Partner State without paying for visa	—

Note: visas do not permit gainful or voluntary employment in Uganda.

List of nationalities exempt from paying for Uganda visas

COMESA	*EAC*	*OTHERS*
Angola	Tanzania	Antigua
Eritrea	Rwanda	Barbados
Malawi	Kenya	Fiji
Madagascar	Burundi	Grenada
Seychelles		Lesotho
Swaziland		Sierra Leone
Zambia		Solomon Islands, The Grenadines
Comoros		Vanuatu
Kenya		Ghana
Mauritius		Cyprus
Zimbabwe		Bahamas
		Belize
		Gambia
		Jamaica
		Malta
		Singapore

COMESA	*EAC*	*OTHERS*
		St. Vincent-Tonga

Categories of persons who can apply for a work permit in Uganda

Class A: (Government & Diplomatic service)

Applicants should be persons contracted for service in the Government of Uganda or diplomats accredited for service in Uganda.

Application requirements:

- Fill Entry/work Permit form
- Attach photocopies of the passport
- 2 passport size photos
- Covering letter from the Embassy and a supportive letter from the Ministry of Foreign Affairs

Class A2: (Government contractors)

Applicants should be persons on Government contracts, including persons serving in Government tertiary institutions.

Application Requirements:

- Fill Entry/work permit form
- Attach photocopies of the passport
- 2 passport size photos
- Covering letter from the organisation
- Covering letter from the line ministry
- Interpol letter from home country
- Academic qualifications for professionals

Class B: (Investment in Agriculture)

Applicants should be persons intending to invest in the business of agriculture or animal husbandry.

Application Requirements:

- Fill Entry/work permit form
- 2 passport size photos
- Photocopies of passport
- Attach Covering letter from company
- Land title
- Uganda Investment Authority License
- Letter from Ministry of Agriculture regarding intended agriculture venture
- Recommendation from LC's or RDC's office
- Work plan/Feasibility study of the project undertaken
- Security bond

- Interpol letter from home country

Class C: (Mining)

Applicants should be persons intending to invest in the business of prospecting for minerals or mining in Uganda.

Application Requirements:

- Fill Entry/wok permit form
- Photocopies of passport
- 2 passport size photos
- Attach Covering letter from company
- License issued by Ministry of Natural Resources
- Articles and memorandum of Association
- Supportive letter from Ministry of Natural Resources
- Security bond
- Uganda Investment Authority License
- Interpol letter from home country

Class D: (Business and Trade)

Applicants should be persons intending to carry on the business or trade in Uganda

Application Requirements:

- Fill work permit form
- Attach Covering letter from company
- 2 passport size photos
- Photocopies of the passport
- Company's bank statement
- Uganda Investment Authority license (where applicable)
- Articles and memorandum of association
- Certificate of incorporation
- Income tax clearance
- Trading license
- Banking of Uganda Certificate of remittance of US$ 100,000
- Letter of good conduct from home country/Interpol in country of origin
- Security bond

Class E: (Manufacturers)

Applicants should be persons intending to engage in manufacturing business in Uganda.

Application Requirements:

- Fill work permit form

- 2 passport size photos
- Photocopies of passport
- Attach Covering letter from company
- Security bond
- Company's documents: Articles, memorandum and certificate of incorporation
- Investment license
- Certificate of incorporation
- Bank statement
- Trading license
- Income tax clearance
- Letter of good conduct from home country or Interpol in country of origin

Class F: (Professionals)

Applicants should be members of prescribed professionals intending to practice such profession in Uganda

Application Requirements:

- Fill work permit form
- 2 passport size photos
- Photocopies of passport
- Attach Covering letter
- Qualifications
- Registration with the relevant professional agency, for example Association of Medical Practitioners
- Company documents
- Letter of good conduct from home country or Interpol letter from home country
- Security bond

Class G1 (Volunteers, NGO workers, Missionaries)

Requirements:

- Fill form
- 2 passport size photos
- Copy of passport
- Copy of NGO certificate
- Criminal record report (from home country) or INTERPOL letter from home country
- Attach covering letter from institution/NGO
- Appointment letter
- Qualifications

Class G2 (Employees)

Applicants should be persons intending to work as employees whether for gain or not in Uganda.

Applicants under this category can only enter Uganda after grant and payment for their work permits.

Application Requirements:

- Fill EP form
- 2 passport size photos
- Photocopies of passport
- Academic qualifications
- Letter of good conduct
- Appointment letter
- Attach Covering letter from company
- Security bond
- Company's Bank statement
- Certificate of incorporation
- Proof of failure to employ a Ugandan
- Training opportunities for Ugandans
- Investment letter
- Income tax clearance
- Articles and memorandum
- Trading license

Applicants under this category can only enter Uganda after grant and payment for their work permits have been done.

Work permit renewal

- Fill work permit form
- Attach Covering letter from company
- 2 passport size photos
- Photocopies of permit in the passport and copy of bio-data page of the passport
- Bank statement
- Proof of Ugandans' trained
- List of Ugandans' employed

Certificate of residence

- Fill CR form
- 3 passport size photos
- LC1 recommendation letter

- Covering letter
- Medical report
- Copy of passport
- Proof of ownership of property (if any

Certificate of residence due to marriage

Requirements as above plus:

- Marriage certificate copy (at least 3yrs)
- Copy of spouse's Uganda passport

Employment of each nationals under the each common market protocol

Categories of workers allowed to work in Uganda under the EAC Common Market Protocol include Chairmen of companies; Civil engineers; Aircraft and ship controllers and technicians.

Requirements:

- Applicant should fill work permit form and fulfil requirements under the specific category of work permit sought (Refer to categories above)
- EAC nationals who obtain work of more than 90 days should apply for work permit within 15 days from date of concluding contract of employment
- Special pass should be sought for employment of not more than 90 days
- Special pass will be issued to EAC nationals pending issuance of work permits
- Employers should furnish immigration with annual return of EAC workers in establishment
- EAC workers who change employment should notify immigration within 15 days of change of employment and should apply for new work permits
- If a worker ceases employment, for which work permit was issued, he/she must notify immigration within 15 days of cessation and apply for pass to stay in Uganda or leave the country.